

# ALCOHOLIC BEVERAGE CONTROL BOARD

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DAWN ZIMMER  
Mayor



Robert W. Phillips, Chairman  
Michael Blumenfeld, Vice Chairman  
Steven Bauman, Commissioner

## Minutes of the March 13, 2014 Alcoholic Beverage Control Board Meeting

The meeting was called to order at 6:04p.m.

Open Public Meeting Act Statement read by Suzanne Hetman, Board Secretary.

**ROLL CALL:** Chairman Robert Phillips  
Vice-Chairman Michael Blumenfeld  
Chairman Steven Bauman

Also Present: Alysia Proko, Attorney for the Board  
Suzanne Hetman, Board Secretary  
Jon Tooke, Director of Public Safety  
Daisy Amado (taking minutes)

### **BOARD REORGANIZATION:**

Vice Chairman Michael Blumenfeld nominated Robert Phillips to be Chairman and was seconded by Commissioner Bauman. Motion to nominate Michael Blumenfeld for Vice Chairman was made by Chairman Phillips and seconded by Commissioner Bauman.

### **APPROVAL OF MINUTES:**

Move to approve the minutes of the January 9, 2014 meeting was made by Vice Chairman Blumenfeld and seconded by Chairman Phillips. Roll call was taken and both Chairman and Vice Chairman approved and Commissioner Bauman abstained.

Move to approve the minutes of the February 27, 2014 meeting was made by Vice Chairman Blumenfeld and seconded by Commissioner Bauman. Roll call was taken and Vice Chairman and Commissioner approved and Chairman Phillips abstained.

### **PLEA AGREEMENT DATES OF CLOSURE**

LIQUOR LICENSE #0905-33-167-007, Teak on the Hudson, Case No. 13-07

No representative from Teak appeared before the Board at this time (attorney showed up later during the meeting (see ~~§~~ at the end of the minutes)). Board Secretary advised that there is a letter in the package from attorney for Teak, Robert Brescia, advising that they have over 23 reservations for birthday parties for the days of suspension and they are requesting change in suspension dates. Board discussion ensued as to incident occurring on

the 17<sup>th</sup> of last year on a Sunday. If the infraction occurs on a Sunday then the suspension should be on a Sunday which means 12:01am Saturday night. Teak is asking that they close on a Monday instead. Board discussed how we have granted them several different dates to close.

Chairman Phillips suggested that we inform them in writing what they depose is not acceptable dates. Board Attorney advised we should write them a letter requesting they come in with their calendar and they could be given a penalty if they do not appear at next meeting.

Motion to suspend the last plea in favor of one to be determined at next meeting was made by Vice Chairman Blumenfeld and seconded by Commissioner Bauman and approved by all members during roll call vote.

#### **PERSON TO PERSON TRANSFER**

LIQUOR LICENSE #0905-33-086-008, Liberty Entertainment Corp., 61-63 14<sup>th</sup> Street TO  
Empire Ten Limited Liability Company, 61-63 14<sup>th</sup> Street, Hoboken, New Jersey

Eric Guess, attorney for applicant and Mr. Rohit Bawa, who was sworn in by the Board Attorney appeared before the Board. Mr. Bawa's relationship to the license is the sole managing member of purchaser. Mr. Bawa requested the liquor license transfer be effective April 1<sup>st</sup>. Board asked if they will re-open on space and Mr. Bawa indicated yes would like to operate as a family friendly restaurant more in character of the neighborhood. Mr. Bawa is an investor of several restaurants in New York City and he is a resident of North Hoboken. Board asked questions such as hours of operation and other restaurants Mr. Bawa owns. Mr. Bawa replied he would include family friendly dinner and wants to eventually work his way back to lunch and breakfast. He is not looking to have night club-like hours. The restaurant is in his neighborhood and he would be there on a part-time basis. Mr. Bawa stated he plans on having delivery service as well. Other restaurants that Mr. Bawa owns include: Soho Delicatessen in Soho and Empire Diner on 22<sup>nd</sup> & 10<sup>th</sup> where several movies have been filmed.

Motion to approve the license transfer was made by Vice Chairman Blumenfeld and seconded by Commissioner Bauman and approved by all members during roll call vote.

#### **PLACE TO PLACE TRANSFER EXPANSION OF PREMISES**

LIQUOR LICENSE #0905-33-90-006, 700 Clinton Street Restaurant, LLC d/b/a The  
Clinton Social, 700 Clinton Street, Hoboken, New Jersey.

No one appeared before the Board. Per the Board Secretary, Clinton Social never had an outdoor café license. They filed for it back in October of 2012. Discussion ensued among Board Members and Board Secretary about this location being impacted hard by Superstorm Sandy. Board Attorney asked Board Secretary to ensure original copy has sketch attached.

Motion to approve the expansion was made by Chairman Phillips and seconded by Vice Chairman Blumenfeld and approved by all members during roll call vote.

### **NOISE REPORT**

LIQUOR LICENSE #0905-32-028-005, Lounge 11 Bar & Restaurant, Inc. d/b/a The West Five Supper Club, 503-505 Madison Street, Hoboken, New Jersey.

Robert Montecallo attorney representing West Five Supper Club appeared before the Board along with Stephen Szulecki the Noise Consultant from The Noise Consultancy. Mr. Szulecki was sworn in by the Board Attorney. Mr. Szulecki explained in detail how he was hired to conduct noise assessments and evaluate noise related to patron activities, neighboring residential complaints and music noise levels at the West Five Supper Club.

The first noise assessment was conducted on Friday, November 15, 2013 as required by the City's Resolution #2K131024-002. This assessment included two broad groupings. They measured music as received by residential properties in connection to Chapter 133 of the Hoboken City Code for Noise Control. The subject of complaints in front of the premises is not subject to noise codes. Mr. Szulecki conducted both qualitative and quantitative (sound measurements) assessments at the West Five Club. Mr. Szulecki went on to explain in detail how the music was measured within residential properties and how he worked with the residents of each unit.

Mr. Szulecki stated that a total of five assessments were conducted. The first and second were unannounced. Data was collected and measurements were coordinated and adjustments were made to the sound system based on noise levels and frequencies. Another assessment was performed on November 22, 2013 of the audio system and noise paths on the rooftop.

The first unannounced noise assessment was conducted on Friday, December 13<sup>th</sup>. On January 24, 2014 a daytime assessment of the newly installed audio system was conducted and Mr. Szulecki made adjustments to it. On Saturday, January 25, 2014 he made a final unannounced noise assessment and spoke with the Gabors of Unit 5. The Gabors indication was that things were good and that the recently implemented policies and procedures were working. The Gabors also said had things been that way in the past, they would have never complained. Mr. Szulecki went on to explain that the establishment, in addition to installing a complete new audio system, changed the speakers in the dancing area in the back where the speakers were lowered on a rack closer to the dance floor. The sound system in the front of the West Five Supper Club was also lowered closer to the floor. The new sound system cost the West Five Supper Club approximately \$50,000. Administrative procedures were implemented per Section 5 of the February 6<sup>th</sup> Noise Assessments report. Mr. Szulecki stated that they received no resistance whatsoever from the owners of the West Five Supper Club.

Mr. Szulecki also stated that the Hoboken Police Department was present at the time of their assessment on the 15<sup>th</sup>. Residents were concerned that since there was police presence the assessments would not be accurate. Jon Tooke stated that we did not ask Police to be there. Mr. Szulecki went on to explain that a scuffle broke out between two patrons and the Police Officers interceded which was good.

The Board asked questions such as where is the smoking area. Mr. Szulecki stated to the right of the front door. Also asked about setting the level of sound and Mr. Szulecki replied that he set it and disc jockeys cannot increase volume no matter how much they turn the knob on their equipment.

Residents in attendance at this meeting were invited to come up and speak. Mr. Andrew Schwarzmenn of 507 Madison Street, Apartment #3 appeared before the Board and was sworn in by the Board Attorney. Mr. Schwarzmenn stated that things have fundamentally gotten better. He looked at the members of the West Five Supper Club and said he appreciates all the money paid out to make these changes. He also went on to say that these tests were conducted during one of the worst winters which should be taken into consideration. He also said the Police were there every Friday and Saturday night during the assessments which also made a difference. Board asked if Police have been there since and he responded yes. Mr. Schwarzmenn said in his opinion police presence plays a larger role. He also stated that in the bigger picture, the noise is better. Noise from music is better. Noise from patrons is better. But it is still disruptive. Late at night he can hear people talking as if they were in his bedroom. Board asked if his concern is more about street traffic and what can we do to make it better? Can we do something with Police, perhaps off duty officer? Mr. Scharzmenn said things are better with Police. Board Attorney advised the Board that they have no control over directing police to be at location.

Next resident to appear before the Board was Jerry Gabor of 507 Madison Street, Unit #5 who was sworn in by the Board Attorney. Mr. Gabor thanked the owners of the West Five Supper Club and Steve the Noise Consultant for all their work. Mr. Gabor stated we are close to a resolution. Great step for night club and neighborhood in all the improvements. Mr. Gabor said it was like Noah's Arc in how smooth everything was running. From the vans picking up the patrons from the West Five Supper Club to transport them to the parking garages, to all of it. The noise levels are "great" now compared to before so is the violence and excessive noise. Mr. Gabor stated he worries about the necessity to have police presence there.

Robert Montecallo, Lawyer for West Five Supper Club told neighbors at the meeting that should they have any problems to please talk to the West Five Supper Club owners. Mr. Montecallo said it is helpful to have interaction between neighbors and club owners. Board advised that it is not the responsibility of the neighbors to police the bar. Mr. Montecallo stated that they can certainly work together. He also stated that West Five expended a lot of money to implement all these changes and said "we didn't buck, we implemented improvements and we have complied with the resolution."

Board asked what the average cost of a nightly noise assessment was. Mr. Szulecki advised that he could not recall, but to date the overall bill was about \$10,000.00. Board discussion then ensued.

Motion to accept renewal subject to conditions of final report by Vice Chairman Blumenfeld and seconded by Chairman Phillips and approved by all members during roll call vote.

**2014 ABC PENALTY SCHEDULE FOR CONSIDERATION AND FINAL APPROVAL**

Chairman Phillips asked if he could carry this over. Board Attorney advised that he can change this at any time. Chairman Phillips stated he wants to carry this over to the next meeting (No Motion was made).

✱ LIQUOR LICENSE #0905-33-167-007, Teak on the Hudson, Case No. 13-07

Robert Brescia, attorney for Teak, arrived late to the meeting. Board advised that Sunday is the day when infraction occurred. Mr. Brescia advised he does not know his clients calendar well enough so he would like the opportunity to submit additional dates. Board advised we should schedule this for next meeting.

A motion to **close the meeting** was made by Vice Chairman Blumenfeld and seconded by Commissioner Bauman.

The **meeting** was **adjourned** at 7:31p.m.